

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS**

JAB PRODUCE, INC.	:	
	:	
Plaintiff	:	
	:	
v.	:	Civil Action No. 1:08-CV-01899
	:	Hon. Milton I. Shadur
BIMEX, INC. a/t/a	:	
Roselle International Food Market, et al.	:	
	:	
Defendants.	:	

**MOTION FOR ENTRY OF DEFAULT JUDGMENT INSTANTER**

Plaintiff, JAB Produce, Inc. ("JAB" or "Plaintiff"), moves the Court to enter a judgment by default against Defendants, Mirosław Kubas and Wojciech Dziewonski, for failure to plead or otherwise defend as provided by Federal Rule of Civil Procedure 55(b) in the amount of \$5,205.00, plus contract interest of 18% per annum of \$1,416.71 and attorneys' fees of \$5,431.94, for a total judgment amount of \$12,098.65.

In support of its motion, Plaintiff relies on the Affidavits of Service filed herein, the Affidavits of Counsel, the Affidavit of Steve Serck, and the Memorandum in Support filed herewith.

The grounds for Plaintiff's motion are as follows:

1. On April 5, 2008, Plaintiff's process server served a copy of the complaint and summons on Defendant Mirosław Kubas' wife at their dwelling house pursuant to Rule 4 of the Federal Rules of Civil Procuedure. Docket No. 8.

2. On April 6, 2008, Plaintiff's process server served a copy of the complaint and summons on Defendant Wojciech Dziewonski at his dwelling house pursuant to Rule 4 of the Federal Rules of Civil Procedure. Docket No. 7.

3. Pursuant to Fed. R. Civ. P. 12, Defendants had 20 days after service of the Complaint to serve an answer.

4. Defendants failed to answer in response to the Complaint within the time during which Defendants were to answer.

5. Upon information and belief, neither Defendants Kubas or Dziewonski are infants or incompetent persons and neither is in the military service of the United States.

6. As explained in the Memorandum in Support filed herewith, Plaintiff is entitled to an award of contract interest of \$1,416.71 and a reasonable attorneys' fee award of \$5,431.94 against Defendants.

WHEREFORE, based on the foregoing, Plaintiff requests the entry of a default judgment in favor of Plaintiff and against Defendants, Mirosław Kubas and Wojciech Dziewonski, in the amount of \$5,205.00 plus interest of 18% per annum of \$1,416.71 and attorneys' fees of \$5,431.94, for a total judgment of \$12,098.65.

Dated: July 18, 2008.

Respectfully submitted,

LAW OFFICES OF WILLIAM B. KOHN

By: s/ William B. Kohn

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion for Entry of Default Judgment Instanter, Affidavits in Support, Memorandum of Law in Support, and Proposed Order, were served via overnight delivery on July 18, 2008 to:

Mirosław Kubas  
4900 W. Henderson Street  
Chicago, IL 60641

Wojciech Dziewonski  
8015 O'Connor Drive  
River Grove, IL 60171

s/ Mary Jean Fassett

Mary Jean Fassett

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Plaintiff	:
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Roselle International Food Market, et al.	:
	:
Defendants.	:

**JUDGMENT ORDER**

This matter coming before the Court on Plaintiff JAB Produce, Inc.'s *Motion for Entry of Default Judgment Instanter*, due notice having been given and the Court having reviewed the Motion, the Affidavits and Exhibits submitted in connection therewith, and the Memorandum in Support, and finding them sufficient to support entry of judgment, the Court finding that it has jurisdiction over the parties and the subject matter herein:

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

JUDGMENT is entered in favor of Plaintiff JAB Produce, Inc., and against Defendants Mirosław Kubas and Wojciech Dziewonski, jointly and severally, in the total amount of twelve thousand, ninety eight dollars and sixty-five cents (\$12,098.65), plus post-judgment interest at the statutory rate, and all ongoing costs, expenses and reasonable attorneys' fees Plaintiff may incur in proceedings to enforce and collect upon this Judgment, if any, to be determined by the court presiding over same. There is no just reason for delay, and the Court expressly directs that this Judgment Order be entered as a final judgment in this matter on the docket of this Court. Case terminated.

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DATE

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HON. MILTON I. SHADUR  
Judge, United States District Court,  
Northern District of Illinois